S.B. CIVIL WRIT PETITION NO. 6633/2007.

SMT. RAMU DEVI
VS.
MOTOR ACCIDENT CLAIMS TRIBUNAL, JAISALMER.

DATE OF ORDER : 11.10.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. L.D. Khatri for the petitioner.

The Motor Accident Claims Tribunal, Jaisalmer by its award dated 30.09.1999 awarded a compensation in a tune of Rs.3,60,000/- in favour of the petitioner and her daughter Guddi. Out of the compensation referred above, a sum of Rs.2,50,000/- was deposited in a Fixed Deposit in the name of the petitioner and remaining sum of Rs.1,10,000/- was to be kept in Fixed Deposit in the name of daughter of the petitioner. The petitioner submitted an application dated 17.08.2007 before the Tribunal seeking permission to draw a sum of Rs.2,50,000/- that was kept in Fixed Deposit in her name under the order dated 30.09.1999. The claim for withdrawal of the amount was made being in need of money for completion of construction work, for marriage purpose of the daughter Guddi and to discharge certain other social responsibilities. Learned Tribunal by the order impugned dated 22.08.2007 disposed of the application permitting the petitioner for making payment of Rs.40,000/- out of the kept in Fixed Deposit.

The contention of counsel for the petitioner is that the amount awarded is in fixed deposit from last about 8 years and now the petitioner is having acute need of money for completing construction work of her house and also to discharge certain social responsibilities including marriage of daughter.

It is true that the Tribunal while deciding the application for disbursement of money is required to ensure perspective security of the claimant, but at the same time it should also be ensured that the claimant be having adequate money in hand to meet necessary expenses. In the instant matter, the petitioner claimed payment of awarded amount for completion of her house and to discharge social obligations including marriage of her daughter. The sum of Rs.40,000/- i.e. ordered to be released under the order impugned by the Tribunal in my opinion is not adequate to meet requirements of the petitioner. Looking to that, this petition for writ deserves acceptance with a direction to the Motor Accident Claims Tribunal, Jaisalmer to make a necessary order for releasing Rs. 1 Lac more to the petitioner out of the amount kept in Fixed Deposit.

The petition for writ, therefore, is allowed with a direction that a sum of Rs.1 Lac beside the sum of Rs.40,000/- already ordered to be released, be further released from the amount kept in Fixed Deposit in name of the petitioner pursuant to the award dated 30.09.1999.

No order to cost.

(GOVIND MATHUR)J.

Anil/